

1           **A    I would provide options.**

2                   MS. BARANYAI: Okay. Thank you. Sorry,  
3 that's all I've got, Russ.

4                   MR. RACINE: All right. Hold on one  
5 moment. Actually, we'll reserve all our questions for  
6 trial, so I have no questions. Shane, you're on mute.

7                   MR. PERRY: Thanks, sorry.

8                   **FURTHER EXAMINATION**

9                   **BY MR. PERRY:**

10                  Q    I just have one redirect. Did Presque follow  
11 your advice in this case?

12                  MR. RACINE: Objection.

13                  MR. PERRY: They waived privilege. I  
14 don't know if that's a privilege objection or what the  
15 objection is.

16                  MR. RACINE: I mean, over the years, he  
17 must have given a lot of advice. I think you maybe  
18 need to narrow ---

19                  MR. PERRY: Are you answering for him?

20                  MR. RACINE: No, but you asked about my  
21 objection, so.

22                  Q    (Mr. Perry) All right. So let me ask you  
23 this: did Presque follow your advice on whether or not  
24 to collect this debt?

25                  **A    Well, I mean, what I did is I provided the**

1       options to them where for -- that there is a colorable  
2       argument that these amounts can be assessed to Mr.  
3       Rose, but there is a risk with that and there could be  
4       potential liability down the line. So it was less  
5       about following a directive. I'll put it like this: I  
6       did not provide a directive. There wasn't an option  
7       there that was provided along with certain color as to  
8       potential benefits and consequence of that option.

9           Q     Has Presque noticed a possible malpractice  
10      claim in this?

11                    MR. RACINE: Objection.

12                    MR. PERRY: What's the objection?

13                    MR. RACINE: Well, it's not under the  
14      topics of the 30(b)(6). It's outside the scope.

15                    MR. PERRY: I'll ask anyway.

16           Q     (Mr. Perry) Has Presque noticed BHS about a  
17      possible malpractice claim dealing with these facts in  
18      the suit?

19                    MR. RACINE: Objection.

20                    MR. PERRY: You can answer.

21                    MR. RACINE: If you know.

22                    **THE WITNESS: So far as I'm aware, no.**

23                    MR. PERRY: All right. Thank you.

24                    MR. RACINE: Everybody done?

25                    MR. PERRY: Yeah, we're done.

02-17-23

Rose v. Presque Isle

COPY